THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.11162 of 2006

Dated:08.06.2006

Between:

Pabbisetti Narasimha Swami and another.

..... PETITIONER

AND

Southern Power Distribution Company of A.P.Limited, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.11162 of 2006

ORDER:

The first petitioner is the father of the second petitioner. They filed the present writ petition seeking a writ of mandamus declaring the action of the respondents in disconnecting the power supply to Electrical Service Connection No.ISC 2163 of

Kandukur Village as illegal and arbitrary. They also seek a consequential direction to the respondents to continue the power supply.

The case of the petitioners in brief is as follows. The third respondent along with three others purchased the land admeasuring Ac.0.75 cents and constructed a rice mill in the name and style of M/s.Murali Krishna Rice and Flour Mill. They constituted a partnership firm to run the rice mill. In June 1993 the partners leased out the rice mill to the second petitioner from 12.04.1993 to 31.03.1996, but the second petitioner continued the lease even after expiry of the lease period. When the firm was running the rice mill, Electricity Service Connection ISC No.2163 was obtained in the name of the third respondent. He issued a letter on 25.05.2006 to respondent Nos.1 and 2 to disconnect the power supply. Immediately thereafter, the petitioners addressed a letter on 29.05.2006 requesting the respondents not to disconnect the power supply. In spite of the same, on 02.06.2006 respondent Nos.1 and 2 disconnected the power supply, and therefore, the present writ petition is filed.

Learned Counsel for the petitioners submits that as lessee, the second petitioner has a right to run the rice mill and as the electricity connection forms part of the building, he has also right to avail the power supply. **Per contra,** the learned Standing Counsel for Southern Power Distribution Company of A.P. submits that the second petitioner has already filed a suit, being O.S.No.102 of 2006 on the file of the Court of the Principal Junior Civil Judge, Kandukur, against the third respondent and the first petitioner herein, and that he obtained an order of *status quo* on 22.03.2006, by reason of which he is running the rice mill. Therefore, he contends that having availed the common law remedy, simultaneously, the petitioners cannot maintain the writ petition.

There is no denial that the second petitioner has already filed a suit and obtained *status quo* order. There is also no denial that by reason of the *status quo* order, he is running the rice mill. If the power connection is disconnected, this Court fails to understand as to how he was running the rice mill. Even if respondent Nos.1 and 2 have disconnected the power supply subsequent to obtaining *status quo* order, it is always open to the petitioners, especially the second petitioner, to approach the civil Court and obtain necessary clarification. This writ petition is misconceived.

The Writ Petition is therefore, dismissed. No costs.

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(V.V.S.RAO, J)

08.06.2006

Note: Issue C.C in one week.

B/o.

vs